

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

**RICHARD THOMAS GREEN, JR and
ADRIANA CORDEIRO GREEN,**

Debtor

CASE NO. 25-10106-smr

CHAPTER 13

OBJECTION TO CONFIRMATION BY NATIONSTAR MORTGAGE LLC

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Nationstar Mortgage LLC, its successors and/or assigns ("Creditor"), a secured creditor and party in interest, and pursuant to 11 U.S.C. §1322 (b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files its Objection to Debtor's proposed Chapter 13 Plan ("Plan"), and in support thereof would respectfully show the Court as follows:

BACKGROUND

1. Debtor filed a voluntary petition under Chapter 13 of Title 11, United States Bankruptcy Code on January 27, 2025.
2. On August 20, 2020, a Note (the "Note") was executed by Debtor to AMCAP Mortgage, Ltd. in the original principal sum of \$353,479.00 which is secured by a Deed of Trust of even date therewith granting a lien against real estate located at 1112 League Line Roa, Paige, TX 78659 ("Property"). Copies of the Note and Deed of Trust will be attached to Creditor's forthcoming proof of claim to be filed in this case.

3. The total debt due and owing to Creditor as of the Petition Date was \$301,857.27 as will be evidenced by Creditor's forthcoming secured proof of claim ("Proof of Claim").

4. The bar date for the filing of the Proof of Claim is after the deadline to objection to confirmation in this case. Creditor is in the process of preparing its Proof of Claim. Creditor asserts this Objection to preserve its rights and to assist in the efficient administration of the confirmation process.

OBJECTION TO PROPOSED PLAN

5. Creditor objects to confirmation of the Plan because the Plan understates the pre-petition arrears due and owing under the Note. Debtors' Plan incorrectly states that there is only \$23,739.68 due in arrearages when, in fact, Creditor is entitled to full payment of its secured pre-petition arrearage claim pursuant to the Note and Deed of Trust in the amount of \$37,235.56 as of January 27, 2025. Creditor therefore objects to the proposed treatment of its secured claim.

6. Because the arrears listed for Creditor are understated, the Chapter 13 Plan may not be feasible.

7. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys' fees.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan as proposed, award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully Submitted,

By: /s/ Anthony Schroeder

Anthony Schroeder, SBN 24106407

ATTORNEY FOR CREDITOR

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Objection to Confirmation* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on February 27, 2025.

/s/ Anthony Schroeder
Anthony Schroeder

DEBTOR'S ATTORNEY
(via electronic notice)

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PARTIES REQUESTING NOTICE
(via electronic notice if so designated for receipt of such in CM/ECF)